

# **CODE OF ORDINANCES**

## **Chapter 1**

### **GENERAL PROVISIONS**

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## **Sec. 1-1. Designation and citation of Code.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Helotes, Texas" and may be so cited. Such Code may also be cited as "Helotes City Code."

## **Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

*City.* The terms "the city" and "this city" mean City of Helotes, in the County of Bexar and State of Texas.

*City Clerk/Secretary, Chief of Police and other city officers, employees, departments, boards, commissions or agencies.* The term "city clerk/secretary" or "chief of police" or references to other city officers, employees, departments, boards, commissions or agencies shall be construed to mean the city clerk/secretary, chief of police or such other municipal officers, employees, departments, boards, commissions or agencies, respectively, of the City of Helotes, Texas.

*Code.* Whenever the term "Code" or "this Code" is used without further qualification, it means the Code of Ordinances, City of Helotes, Texas, as designated in section 1-1.

*Computation of time.*

- (1) In computing a period of days, the first day is excluded and the last day is included.
- (2) If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.
- (3) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

*Council.* The terms "council," "this council," "the council" and "city council" mean the City Council of the City of Helotes, Texas.

*Councilmember.* The term "councilmember" means a member of the City Council.

*County.* The terms "county," "the county" and "this county" mean Bexar County, Texas.

*Gender.* Words of one gender include the other genders.

*Highway.* The term "highway" means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

*Joint authority.* Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

*Month.* The term "month" means a calendar month.

*Number.* Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

*Oath.* The term "oath" shall be construed to include an affirmation, and the terms "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Or, and.* The word "or" may be read "and," and "and" may be read "or," if the sense requires it.

*Owner.* The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

*Person.* The term "person" includes an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

*Preceding, following.* The terms "preceding" and "following" mean next before and next after, respectively.

*Roadway.* The term "roadway" means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

*Shall, may.* The term "shall" is mandatory. The term "may" is permissive.

*Sidewalk.* The term "sidewalk" means the portion of a street that is:

- (1) Between a curb or lateral line of a roadway and the adjacent property line; and
- (2) Intended for pedestrian use.

*Signature, subscription.* The terms "signature" and "subscription" include any symbol executed or adopted by a person with present intention to authenticate a writing.

*State.* The terms "the state" and "this state" mean the State of Texas.

*Street.* The term "street" means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Vernon's Ann. C.C.P.* The abbreviation "*Vernon's Ann. C.C.P.*" means Vernon's Annotated Code of Criminal Procedure, as amended from time to time.

*Vernon's Ann. Civ. St.* The abbreviation "*Vernon's Ann. Civ. St.*" means Vernon's Annotated Civil Statutes, as amended from time to time.

*V.T.C.A.* The term "V.T.C.A." means Vernon's Texas Codes Annotated, as amended from time to time.

*Written, in writing.* The terms "written" and "in writing" include any representation of words, letters, symbols or figures, whether by printing or otherwise.

*Year.* The term "year" means 12 consecutive months.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

**Sec. 1-4. History notes.**

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

**Sec. 1-5. Editor's notes and reference notes.**

The editor's notes, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

**Sec. 1-6. Severability of parts of Code.**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and, if any phrase, clause, sentence, paragraph or section of this Code, or its application to any persons or circumstances, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code or their application, since such provisions would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Sec. 1-7. General penalty; continuing violations.**

Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding \$500.00, however, a fine or penalty for the violation of this Code or any ordinance that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, may not exceed \$2,000.00; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

**Sec. 1-8. Certain actions and ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.
- (3) Any contract or obligation assumed by the city.
- (4) Any administrative ordinance not in conflict or inconsistent with the provisions of this Code.
- (5) Any right or franchise granted by the city.

- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city.
- (7) Any ordinance relating to municipal street maintenance agreements with the state.
- (8) Any ordinance establishing or prescribing grades for streets in the city.
- (9) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget.
- (10) Any ordinance amending the zoning map or zoning ordinances not inconsistent with this Code.
- (11) Any ordinance relating to local improvements and assessments for such improvements.
- (12) Any ordinance annexing territory to the city or discontinuing territory as a part of the city.
- (13) Any ordinance dedicating or accepting any plat or subdivision in the city.
- (14) Ordinances or resolutions prescribing traffic regulations for specific streets, such as ordinances or resolutions designating one-way streets, no parking areas, stop intersections where traffic is to be controlled by signals, etc.

All such actions and ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

#### **Sec. 1-9. Amendments or additions to Code.**

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances, City of Helotes, Texas, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.
- (c) If a new section not theretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, City of Helotes, Texas, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: . . . ." The new section shall then be set out in full as desired.
- (d) All sections, divisions, articles, chapters or other provisions desired to be repealed shall be specifically repealed by section, division, article or chapter number, as the case may be.

#### **Sec. 1-10. Supplementation of Code.**

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the council during the period covered by the supplement and all changes made thereby in the Code. The pages of a

supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinances included in the supplement.

- (b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions.
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated in the Code).
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

